

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACIE HAWKE-DINGMAN,

Plaintiff,

vs.

Case No. 11-CV-15493
HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER ACCEPTING IN PART AND MODIFYING IN PART
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (DOC. #16),
GRANTING IN PART THE RELIEF REQUESTED IN PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT (DOC. #11), DENYING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT (DOC. #13), AND REMANDING ACTION

Before the court are the parties' cross-motions for summary judgment, which were referred to the magistrate judge for a report and recommendation. On September 11, 2012, Magistrate Judge Laurie Michelson issued her report, recommending that the court grant in part the plaintiff's *pro se* motion for summary judgment, deny the defendant's motion for summary judgment, and remand the matter for further administrative proceedings, for the purpose of considering new evidence produced by the plaintiff pursuant to sentence six of 42 U.S.C. § 405(g).

The magistrate judge specifically stated that any objections to her report must be filed within 14 days of service, and that failure to file such objections constituted a waiver of any further right of appeal. See Thomas v. Arn, 474 U.S. 140, 155 (1985). No such objections were filed by either party.

The court has reviewed the magistrate judge's report and recommendation, finds it to be well-reasoned, and hereby adopts the result recommended therein. The court hereby construes plaintiff's motion for summary judgment in part as a motion for remand; the relief therein requested by plaintiff is GRANTED IN PART, to the extent plaintiff seeks consideration of her evidence of continued hospitalizations. Defendant's motion for summary judgment is DENIED and this cause of action is REMANDED to the Commissioner of Social Security under sentence six of 42 U.S.C. § 405(g). The court retains jurisdiction over the action pending further agency action. See Marshall v. Comm'r of Soc. Sec., 444 F.3d 837, 841 (6th Cir. 2006).

IT IS SO ORDERED.

Dated: October 29, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

On October 29, 2012, copies of this Order were served upon attorneys of record and on Tracie Hawke-Dingman, 351 N. Squirrel Road #187, Auburn Hills, MI 48326 by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk